

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092750

09/27/2011

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
L. Mitchell
Deputy

IN RE THE MATTER OF
TONI CARLSON

RYAN S HARDY

AND

AARON CARLSON

RONALD B FINEBERG

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom 204 – SEA

Prior to commencement of the proceedings, Petitioner's Exhibits 1 through were marked for identification.

4:20 p.m. This is the time set for Hearing re: Petitioner's Accelerated Motion for Pre-Decree Temporary Orders for Custody, Parenting Time, Child Support, Allocation of Pre-Decree Expenses, Spousal Maintenance and Attorney's Fees, filed on August 12, 2011. Petitioner, Toni Carlson, is present and represented by counsel, Ryan S. Hardy. Respondent, Aaron Carlson, is present and represented by counsel, Ronald B. Fineberg.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court is advised that the parties have reached a temporary agreement on the issues of joint custody and parenting time, which agreement is more fully set forth on the record and can be generally summarized as follows:

On a temporary basis, Father will have parenting time with the minor child as follows:

- Every other weekend: on Fridays from between 3:30 p.m. and 4:30 p.m., through the following Monday morning when the child is dropped off at school.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092750

09/27/2011

- Every Wednesday: from between 3:30 and 4:30 p.m., through the following Thursday morning when the child is dropped off at school.

Father shall pick up and deliver the child either at the school, or at the park by the school.

Toni Carlson and Aaron Carlson are sworn.

The parties both testify that they have heard and understood the agreement as orally stated in open court, and that this is, in fact, their agreement.

THE COURT FINDS that the agreement entered into between the parties is not unfair, and is reasonable, and is in the best interests of the parties' minor child.

IT IS ORDERED approving the agreement of the parties as a binding agreement, pursuant to Rule 69, *Arizona Rules of Family Law Procedure*.

Toni Carlson, having been previously sworn, now testifies.

Petitioner's Exhibits 1 and 2 are received in evidence.

Aaron Carlson, having been previously sworn, now testifies.

Respondent's Exhibit 6 is marked for identification and received in evidence.

Closing arguments.

Based upon the testimony and evidence presented,

For child support purposes, the Court makes the following findings:

Father's Income	\$1,733.33 per month
Mother's Income	\$2,031.25 per month
Parenting Time Adjustment (130 days)	25.3 %

These findings, and any other relevant financial factors require or allowed to be included by the Arizona Child Support Guidelines, are set forth in the Child Support Worksheet filed herewith and are hereby adopted by this reference. In applying these findings under the Arizona Child Support Guidelines,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092750

09/27/2011

IT IS ORDERED that Father shall pay to Mother as and for temporary child support the sum of \$206.90 per month, payable through the Support Payment Clearinghouse on the 1st day of each month, commencing October 1, 2011, by wage assignment.

Until the wage assignment becomes effective, it is the responsibility of the party obligated to pay child support to pay the support to **Support Payment Clearinghouse, P. O. Box 52107, Phoenix, Arizona 85072-2107**. The payment should show the case number and/or ATLAS case number and the name of the party paying support and the name of the party who will receive the payment.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

Obligor is personally responsible for the timely payment of support as well as the \$5.00 monthly handling fee. At any time an employer and/or payor is not paying pursuant to the Order of Assignment, Obligor must make timely payment of support and fees directly to the Support Payment Clearinghouse. Failure to make timely payment of support may result in a finding of contempt which may result in sanctions, including incarceration.

Let the record reflect an Order of Assignment is initiated electronically by the above-named deputy clerk.

IT IS FURTHER ORDERED Mother's request for temporary spousal maintenance is denied.

IT IS FURTHER ORDERED setting a Resolution Management Conference on **November 10, 2011 at 9:00 a.m. (30 minutes allotted)** in this division.

Both parties, together with their counsel, if represented, shall appear in person, and be prepared to discuss the final resolution and, if necessary, pre-trial management of this case. **IF ONLY ONE PARTY APPEARS, THE COURT MAY ENTER A DEFAULT AGAINST THE ABSENT PARTY, AND ALLOW THE PARTY THAT APPEARS TO PROCEED BY DEFAULT. IF BOTH PARTIES FAIL TO APPEAR, THE ACTION MAY BE DISMISSED.**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092750

09/27/2011

MANDATORY RESOLUTION STATEMENT

IT IS FURTHER ORDERED that each party shall fully complete and file a Resolution Statement as required by Rule 76(A), Arizona Rules of Family Law Procedure, in proper form without argument, narrative statements or other documents, and provide a copy to the adverse party and to this Division at least 5 judicial days before the Conference. The Court is required to consider the reasonableness of each party's positions, including the failure to take a position, in any subsequent requests for attorney's fees made pursuant to A.R.S. §§ 25-324 and 12-349. The Resolution Statement may be obtained through the Self Service Center or online at: www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt

PRE-CONFERENCE SETTLEMENT MEETING

IT IS FURTHER ORDERED that the parties and counsel, if any, shall personally meet and confer prior to the Resolution Management Conference to resolve as many issues as possible. In the event the parties and counsel, if any, have not met prior to the Resolution Management Conference, they shall all be present and meet at the court one (1) hour prior to the scheduled Resolution Management Conference. If there is a current court order prohibiting contact of the parties or a significant history of domestic violence between the parties, the parties shall not be required to personally meet or contact each other in violation of the court order, but the parties and their counsel shall take all steps reasonable under the circumstances to resolve as many issues as possible prior to the RMC. The parties shall also submit to the court no later than the time of the RMC a Joint Alternative Dispute Resolution Statement required by Rule 66(E), Arizona Rules of Family Law Procedure.

DISCLOSURE

IT IS FURTHER ORDERED that both parties shall complete the initial disclosure requirements of Rule 49 or 50, Arizona Rules of Family Law Procedure (ARFLP), as appropriate prior to the Resolution Management Conference. Pursuant to Rule 65(C), ARFLP, any party who fails to timely disclose information required by Rule 49 or 50 shall not be permitted to use such evidence in future motions, hearings or trials, except by leave of court for good cause shown, unless such failure is harmless.

PARENT EDUCATION PROGRAM

IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, unemancipated child in common, both parties shall have completed, or be scheduled to complete, an approved Parent Education Program in accordance with A.R.S. §25-351 et seq.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092750

09/27/2011

prior to the Resolution Management Conference and file proof thereof prior to or at the time of the Conference.

Failure to obey this order in all respects may subject the offending party or counsel to all sanctions provided and allowed by court rule, statute or other law.

IT IS FURTHER ORDERED setting this cause for **Trial** on **February 14, 2012 at 1:30 p.m.** before:

The Honorable John R. Hannah
Southeast Judicial District
Courtroom 204
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 3 hours

LET THE RECORD REFLECT that motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

IT IS FURTHER ORDERED all discovery shall be completed by **January 13, 2012**.

A **Joint Pretrial Statement** shall be filed pursuant to Rule 6.8(b), Local Rules of Maricopa County (Domestic Relations Proceedings) no later than **February 7, 2012**. If a Joint Pretrial Statement is impossible, then this Court will accept Separate Pretrial Statements. If the parties want to make an opening statement, it may be included in the Pretrial Statement. In addition, each party shall attach to the Pretrial Statement:

1. An updated affidavit of the current financial circumstances pursuant to Rule 6.7, Local Rules of Maricopa County.
2. A current and detailed inventory and appraisal of the property and assets of the parties.
3. A proposal of how the property and assets should be divided and the proposed disposition of each issue before the Court.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092750

09/27/2011

4. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

Objections and pretrial motions not filed by **January 31, 2012** will be deemed waived. Postponements will be granted only in accordance with appropriate rules.

Failure of counsel or of any party to present the Joint Pretrial Statement in proper form including each and every attachment required shall, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.2(e).

If this matter is settled and will proceed in the manner of a default, you may contact this division for an expedited hearing date.

Counsel are advised that if the presentation of evidence does not allow for closing arguments, the Court will direct the parties to submit written closing arguments. If time allows for closing arguments, the Court may hear closing arguments at that time.

IT IS ORDERED that the parties and, if represented, counsel shall provide to the clerk of this division any exhibits they shall seek to admit into evidence. **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 11:00 a.m. on February 7, 2012. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** No Trial exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, unemancipated child in common, both parties shall have completed an approved Parent Education Program in accordance with A.R.S. § 25-831 et seq. Prior to the trial, and file proof thereof prior to or at the trial. **IF NEITHER PARTY HAS COMPLETED THE PARENT EDUCATION PROGRAM PRIOR TO THE TRIAL, THE COURT MAY VACATE THE TRIAL AND REQUIRE COMPLIANCE PRIOR TO PROCEEDING.** If only one party has completed the Parent Education Program, the Court may permit that party to proceed by default.

IF EITHER PARTY FAILS TO APPEAR FOR TRIAL, THE TRIAL MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092750

09/27/2011

IF BOTH PARTIES FAIL TO APPEAR, THE TRIAL MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division **five (5) court business days** before the scheduled hearing.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

In the event that the parties have any difficulties interpreting, enforcing or otherwise complying with provisions of this Order, they shall first seek mediation through a qualified mediator of their mutual selection to attempt to reach agreement prior to seeking Court intervention.

LET THE RECORD REFLECT that this Court cannot guarantee the quality of the reception and whether a person can hear or be heard during a telephonic appearance if requested and granted. If there is difficulty with the telephonic appearance the above-set Trial will NOT be reset. Please be sure that any telephonic appearance **MUST** be from a land line, not a cell phone, and not on speaker phone.

5:15 p.m. Matter concludes.

FILED: Child Support Worksheet and Exhibit Worksheet.

IT IS ORDERED signing this minute entry as a formal written Order of the Court.

/s/ John R. Hannah

HONORABLE JOHN R. HANNAH
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092750

09/27/2011

LATER:

At the close of the hearing the Court neglected to address Petitioner's request for pre-decree attorney's fees.

IT IS ORDERED, pursuant to A.R.S. section 25-324, that Respondent shall pay Petitioner \$3,000 for the costs and expenses of maintaining this proceeding (attorney's fees and costs) within 30 days of the date of this Order, subject to reallocation at trial. The payment shall be made directly to Petitioner's attorney.

THE COURT FINDS that a pre-decree payment for attorney's fees is appropriate based on consideration of financial resources. Petitioner has a job but no ability to pay for anything beyond the basic necessities of life for herself and the child. Respondent's business generates a cash flow from which he has the ability to pay some extraordinary expenses. This includes his own attorney, according to his Affidavit of Financial Information. Respondent understandably would prefer to invest the money back in the business, but it is in the best interest of the child that the outcome of the litigation not be skewed by a substantial inequality of litigation resources.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.